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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,704	01/24/2002	Scott H. Robinson	42390.P10796	3621

7590

06/29/2005

John P. Ward, Esq.  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER
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WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/057,704

**Applicant(s)**

ROBINSON ET AL.

**Examiner**

John B. Walsh

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 21 is objected to because of the following informalities: Claim 21, line 2 – delete “further comprises presenting”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-14 and 29-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The recited steps of the Method something that can be done by a person as a mental step or using pencil and paper. Therefore, the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2151

5. Claims 15-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,151,598 to Shaw et al.

As concerns claim 15, a machine readable medium, having stored thereon, a set of instructions, which when executed, cause a machine to perform a method comprising performing context-based processing of a set of information items utilizing a set of context items to produce context-processed information items, the context-based processing comprises one of context filtering, context prioritizing, and context filtering and context prioritizing (abstract, line 6).

As concerns claim 16, the machine readable medium of claim 15, wherein the method further comprises: evaluating a utility function, producing an iteration evaluation based on the utility function; and based on the iteration evaluation, doing one of repeating the context-based processing and not repeating the context-based processing (abstract, lines 6-7, updating and maintaining, column 4, lines 18-19).

As concerns claim 17, the machine readable medium of claim 15, wherein the information items are heterogeneous (column 3, line 66).

As concerns claim 18, the machine readable medium of claim 15, wherein the method further comprises receiving at least one information item in the set of information items from a user input (column 4, lines 2-4).

As concerns claim 19, the machine readable medium of claim 15, wherein the context-based processing further comprises context processing at a first device wherein at least one information item is received from a second device (column 3, lines 60-63).

Art Unit: 2151

As concerns claim 20, the machine readable medium of claim 15, wherein the method further comprises: presenting at least one context-processed information item (column 21, lines 58-67) to a user.

As concerns claim 21, the machine readable medium of claim 20, wherein when processing comprises context prioritizing, the method further comprises presenting in prioritized order (inherent for context that is prioritized to be in a particular order).

As concerns claim 22, the machine readable medium of claim 15 further comprising transferring from a first device to a second device (column 3, lines 60-63, column 21, lines 58-67, one storage unit to another or from a storage unit to a display unit).

As concerns claim 23, the machine readable medium of claim 15 wherein transferring further comprises intra-device transferring (column 3, lines 60-63, column 21, lines 58-67, when computer system as a whole considered as a single device).

As concerns claim 24, the machine readable medium of claim 15 wherein, when processing comprises context prioritizing, transferring further comprises transferring in prioritized order (transferred to display and displayed to user in order).

As concerns claim 25, the machine readable medium of claim 15 wherein the set of context items comprises at least one of user context (abstract, line 8), computer context, and communication network context.

As concerns claim 26, the machine readable medium of claim 15 wherein user context comprises at least one of user identity, activity, activity start time, activity duration, activity location, user task, user location, and a list of devices accessible by a user (abstract, lines 8-12; column 4, line 3, authorized user implies user identity).

Art Unit: 2151

As concerns claim 27, the machine readable medium of claim 25 wherein computer context comprises at least one of hardware attributes, software attributes, operating system profile attributes, power reserves, power consumption rate, amount of available memory, amount of available storage, user interfaces, costs, usage policies and security and enforcement information (dictionary inherently contains any one or all of these terms).

As concerns claim 28, the machine readable medium of claim 25 wherein communication network context comprises at least one of network profile attributes, network security, network stability, data transfer rate, connection quality, transfer latency, error rate, network load, signal strength, cost, quality of service, usage policies and network protocols (dictionary inherently contains any one or all of these terms).

### *Conclusion*

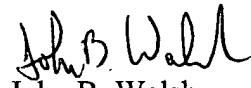
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
Art Unit 2151